

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE SHEET METAL WORKERS
LOCAL 28 BENEFIT FUNDS, et al.,

Plaintiffs,

-against-

SKYE SHEET METAL, INC.,

Defendant.

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HURLEY, Senior District Judge:

On October 14, 2008, this Court granted Plaintiffs' motion for an entry of default judgment against defendant Skye Sheet Metal, Inc. ("Defendant") in the above-captioned case, and referred the matter to U.S. Magistrate Judge A. Kathleen Tomlinson, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorneys' fees.

On September 25, 2009, Magistrate Judge Tomlinson issued a Report and Recommendation that damages be awarded but attorneys' fees denied. Judge Tomlinson also recommended that this Court reconsider the issue of fees should Plaintiffs' counsel submit the appropriate documentation within ten (10) days from the date of the Report and Recommendation.

By Order dated September 30, 2009, Plaintiffs' counsel was directed to file any additional documentation in support of attorneys' fees on or before October 5, 2009. No such filings have been made. The Report and Recommendation was served on Defendant on October 6, 2009.

More than ten days have elapsed since service, and no party has filed any

ORDER

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objections to it. Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the September 25, 2009 Report and Recommendation of Judge Tomlinson as if set forth herein. Plaintiffs are hereby awarded the following damages:

\$32,869.43 for unpaid fringe benefits;

\$11,840.37 in interest on the unpaid fringe benefits; and

\$390 in court costs and disbursements.

Therefore, the total amount of damages awarded is \$45,099.80. Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
October 23, 2009

/s/

Denis R. Hurley,
United States District Judge